

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Hiroya KOBAYASHI, et al. ) Confirmation No.: 6587  
Application No.: 10/554,106 ) Group Art Unit: 2622  
Filed: August 28, 2006 ) Examiner: Yogesh K. Aggarwal  
For: SOLID-STATE IMAGING DEVICE )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop AF**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. This Information Disclosure Statement (“IDS”) is being filed after the events recited in § 1.97(c) but before the payment of the issue fee for the above-identified application. Under the provisions of 37 C.F.R. § 1.97(d), a fee of \$180.00, as specified by § 1.17(p) is attached hereto.

The document listed on the attached PTO Form 1449 was first cited in a European Search Report issued by the European Patent Office on November 3, 2009 in a counterpart European patent application. Hence, to the best of the undersigned’s knowledge and recollection, each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of

this IDS. A copy of the European Search Report dated November 3, 2009 is enclosed for the Examiner's consideration.

Except as discussed below, the cited documents are listed on the attached PTO Form 1449 and a copy of the cited non-U.S. patent document is also attached hereto.

While the European Search Report dated November 3, 2009 additionally cites to Japanese Patent Application Laid-Open No. 2002-368949, this document is not listed on the attached PTO Form 1449 because it was previously cited in an IDS filed on August 28, 2006 in this application.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art". If it should be determined that the listed document does not constitute "Prior Art" under the United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: December 17, 2009

By:

  
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